

Part 4

License Denial and Discipline

58-73-401 Grounds for denial of license -- Disciplinary proceedings -- Limitation on division actions.

- (1) Grounds for the following are in accordance with Section 58-1-401:
 - (a) refusing to issue a license to an applicant;
 - (b) refusing to renew the license of a licensee;
 - (c) revoking, suspending, restricting, or placing on probation the license of a licensee;
 - (d) issuing a public or private reprimand to a licensee; and
 - (e) issuing a cease and desist order.
- (2) If a court of competent jurisdiction determines a chiropractic physician is incompetent, mentally incompetent, incapable, or has a mental illness, the director shall suspend the license of that chiropractic physician, even if an appeal is pending.
- (3)
 - (a) If it appears to the board there is reasonable cause to believe a chiropractic physician who has not been judicially determined to be incompetent, mentally incompetent, incapable, or to have a mental illness, is unable to practice chiropractic with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other substance, or as a result of any mental or physical condition, a petition shall be served upon that chiropractic physician for a hearing on the sole issue of the capacity of the chiropractic physician to conduct properly the practice of the chiropractic physician.
 - (b) Every chiropractic physician licensed by this state is considered to have:
 - (i) agreed to submit to a mental or physical examination upon receipt of a written direction given by the division with the approval of the board; and
 - (ii) waived all objections to the admissibility of the examining chiropractic physician's or other practitioner's testimony or examination reports on the ground they constitute a privileged communication.
 - (c) Failure of a chiropractic physician to submit to an examination under Subsection (3)(b) when directed by the division, unless the failure was due to circumstances beyond his control, constitutes grounds for immediate suspension of the chiropractic physician's license and an order of suspension of the license may be entered by the division without the taking of testimony or the presentation of evidence.
 - (d) A chiropractic physician whose license is suspended under this section shall, at reasonable intervals, be afforded the opportunity to demonstrate the chiropractic physician can resume the competent practice of chiropractic with reasonable skill and safety to patients.
 - (e) Neither the proceedings of the board nor the action taken by it under this section may be used against a chiropractic physician in any other proceedings.
- (4) The terms of revocation, suspension, or probation under this chapter may include:
 - (a) revoking the license to practice either permanently or with a stated date before which the individual may not apply for licensure;
 - (b) suspending, limiting, or restricting the license to practice chiropractic for up to five years, including limiting the practice of the person to, or excluding from the person's practice, one or more specific branches of medicine, including any limitation on practice within the specified branches;
 - (c) requiring the license holder to submit to care, counseling, or treatment by physicians approved by or designated by the board, as a condition for licensure;

- (d) requiring the license holder to participate in a program of education prescribed by the board;
- (e) requiring the license holder to practice under the direction of a physician designated by the board for a specified period of time; or
- (f) other appropriate terms and conditions determined by the division in collaboration with the board to be necessary to protect the public health, safety, or welfare.

Amended by Chapter 366, 2011 General Session